

CAUTION: The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

Executive Order 05-12

IC 4-2-6-5

ISP was allowed to accept complimentary tickets, passes, credentials, food and drink from providers of public events for whom it provided public safety and security services because no business relationship existed between the parties. However, it would have been a violation of the Additional compensation rule for individual officers to accept gifts offered to them since it would have resulted from the performance of official duties.

May 27, 2005

No. 05-I-3

BACKGROUND INFORMATION

It is a part of the job of the Indiana State Police (ISP) to provide for the safety and security of the public whenever there are citizens gathered together for a large public event. Examples of such events are the Indianapolis 500 race, the Brickyard 400 race, Formula I race, Indiana University football and basketball games, Purdue and Notre Dame football games, Indiana State Fair, and Indianapolis Raceway Park races. The ISP provides security and safety both outside and inside the events.

The providers of the events, i.e. Indianapolis Motor Speedway, Indianapolis Raceway Park, Indiana State Fair Board, Indiana University, Purdue University, and Notre Dame University, give to the ISP complimentary gifts such as tickets, credentials, pit and garage passes. At the conclusion of some events, the ISP officers are also given token gifts, such as a set of glasses.

Some of the providers grant the same courtesies to other law-enforcement agencies that likewise provide for the public-safety and security needs of large events. For example, the Indianapolis Motor Speedway provides complimentary passes to the Marion County Sheriff's Department, the Speedway Police Department, the Indianapolis Police Department, the DEA, and other safety-related agencies. The Indianapolis Motor Speedway also hosts a "Law Enforcement Appreciation Day," annually during the week of the Indianapolis 500. The event is held at the Speedway and is a reception with food and drink for law enforcement officers and officials whose agencies provide public-safety and security services for the Indianapolis 500 race.

The procedure for the distribution of the tickets, passes, and credentials is that the event provider gives to an ISP Post Commander a set number of complimentary tickets, etc. (or asks the Commander how many tickets, etc. the Commander wants). The ISP Post Commander then distributes the complimentary tickets, etc. among the officers, families, and friends of the ISP Post. The officers working the events are not the persons receiving the tickets. The ISP Post Commanders have discretion in the distribution of the tickets. Some of the tickets are distributed to persons who are not employed by the ISP.

The tickets are not given to specific ISP officers for the service they provide. Rather, they are given to the ISP Post Commander for general distribution. However, after the Indianapolis 500, the Indianapolis Motor Speedway contacts the ISP and asks for the names of the officers who have worked the race. The set of glasses (or other token gift) is given to those specific officers.

The ISP does not contract with any of the providers of the complimentary passes or gifts. They provide the public-safety and security functions as a part of their duties to the State of Indiana.

In addition to the above-stated passes and gifts, the Indianapolis Motor Speedway provides food and drink for those ISP officers on duty during the events at the Speedway. These meals are

provided so that the officers are not required to leave their posts at the event to obtain food and drink.

QUESTION

Can the Indiana State Police accept free admission tickets, passes, credentials, token gifts, food and drink from providers of public events for which they provide public-safety and security services?

FINDINGS

The Indiana State Police has no contractual or business relationship with the providers of public events as defined in IC 4-2-6-1(4) and 40 IAC 2-1-4(d).

The ISP does not license or issue permits to the providers of public events.

The ISP provides public-safety and security functions at public events as a part of their duties to the State of Indiana.

The complimentary tickets, passes, and credentials to public events that are given to the ISP by the event providers are given to the ISP agency, not to individual officers working the event.

The token gifts of glasses, etc., are given to the specific ISP officers working the event.

Event providers often provide food and drink for ISP officers working an event so that the officer does not have to leave the officer's assigned post.

RELEVANT LAW

Executive Order 05-12

IC 4-2-6-5

State officers and employees; compensation for official duties:

CONCLUSION

Because the Indiana State Police does not have a business relationship with any of the event providers, the gift rule in Executive Order 05-12 is not applicable to complimentary tickets, passes, credentials, food, and drink provided to the ISP by event providers.

The offer and acceptance of gifts from event providers to individual officers who worked an event violates IC 4-2-6-5, additional compensation for official duties. state appointees.